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July 28, 2021

VIA ECF

Hon. Ronnie Abrams
United States District Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Cognizant Technology Solutions Corp. v. Bohrer, PLLC et ano.
Civil Docket #: 1:21-cv-05340-RA

Dear Judge Abrams:

On behalf of Defendants in the above-referenced matter, I am writing to request that the Court set August 20, 2021, as the date by which Defendants must move or answer with respect to the Complaint. While the docket does not specify a due date, we understand that a response to the Complaint is due by August 2, 2021. We are seeking only 18 more days within which to respond.

Plaintiff's lawsuit is new, and our representation of Defendants is even newer. This case was filed by Plaintiff on June 16, 2021. At the time, Defendants were represented by Samidh Guha of Perry Guha LLP, who discussed the case with Plaintiff's counsel but never appeared in this action. Plaintiff has stated in a filed certificate of service that Defendants were served by e-mailing the papers to Mr. Guha on June 18, 2021. Had Plaintiff sought a waiver of service under the Federal Rules of Civil Procedure, Defendants would have been entitled to 60 days to respond under Rule 4(d)(3), which would have set the due date at August 17. Apparently, however, prior to our retention, there were oral discussions between Mr. Guha and Plaintiff's counsel about service and the due date. We understand that Mr. Guha indicated, during a phone call with Plaintiff's counsel, that Defendants would move or answer within 45 days, *i.e.*, on or before August 2. Our firm, Kostelanetz & Fink, LLP, was then retained, a bit earlier this month. We filed our notice of appearance today.

While we have been working diligently to familiarize ourselves with the complete background of this matter, this has required a good deal of time, not least because the Complaint and its eight exhibits reference numerous other prior proceedings, including parallel litigation in

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the Delaware Chancery Court. We are a small law firm, and our resources are limited. My time this summer has been further restricted by the fact that I was on vacation last week and am involved in my firm's law school interviewing process late this week and early next week,

After Defendants engaged us, we sought Plaintiff's counsel's consent to set the move or answer date as August 20. On Friday, July 23, 2021, my partner, Caroline Rule, emailed Luke Nikas of Quinn Emanuel Urquhart & Sullivan, LLP, who represents Plaintiff, asking him to call her. They spoke on Monday, July 26, 2021. Ms. Rule asked that Plaintiff consent to a response date of August 20. Mr. Nikas told Ms. Rule that he would consult with his client and get back to her. On Tuesday, July 26, 2021, I emailed Mr. Nikas, asking that he respond to our extension request by that afternoon. Mr. Nikas replied that he had not yet heard from his client. I then e-mailed Mr. Nikas, yesterday, to find out if he had any information as to when his client would get back to him.

While we have not yet heard back from Plaintiff's counsel, we respectfully request that this Court set August 20 as the date by which Defendants must move or answer with respect to the Complaint.

In compliance with Your Honor's rule regarding "Requests for Adjournments or Extensions of Time," Defendants note:

- (1) Plaintiff has stated that August 2, 2021 is the current due date for Defendants' response to the Complaint (we are seeking that the date be set as August 20, 2021).
- (2) Defendants have made no previous request to the Court for an extension of time.
- (3) The Court has not denied any request made by Defendants for an extension of time.
- (4) We are not yet aware if Plaintiff consents, as discussed above.

The adjournment sought (an 18-day extension of Defendants' time to move or answer) will not affect any other deadline set by the Court in this case.

Respectfully,

/s/ Claude M. Millman
Claude M. Millman
Kostelanetz & Fink, LLP
(cell phone: 917-776-7872)

cc: Counsel of record (via ECF)
Samidh Guha, Perry Guha LLP

Application granted.

SO ORDERED.



Hon. Ronnie Abrams
07/29/2021